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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE MAGNAVOX COMPANY,
a Corporation, and SANDERS
ASSOCIATES, INC., a
Corporation,

Plaintiffs;

-vs-

BALLY MANUFACTURING CORPORATION,
a Corporation, CHICAGO DYNAMIC
INDUSTRIES, INC., a Corporation,
EMPIRE DISTRIBUTING, INC., a
Corporation, MIDWAY MFG. CO., a
Corporation, SEEBURG INDUSTRIES,
INC., a Corporation, THE SEEBURG
CORPORATION OF DELAWARE, a
Corporation, WILLIAMS ELECTRONICS,
INC., a Corporation, and WORLD WIDE
DISTRIBUTORS, INC., a Corporation,

Defendants.

Consolidated
Civil Action
Nos. 74 C 1030
74 C 2510

LEON M. GOLDING AND ASSOCIATES, CHICAGO

The deposition of JERRY C. KOCI, called by
the plaintiffs for examination, pursuant to the
Rules of Civil Procedure for the United States
District Courts pertaining to the taking of deposi-
tions for the purpose of discovery, taken before
Diane E. Norris, a notary public within and for the
County of Cook and State of Illinois, at 77 West
Washington Street, Suite 2000, Chicago, Illinois, on
the 28th day of May, A.D., 1975, commencing at the
hour of 10:00 o'clock a.m.

APPEARANCES:

Mr. Theodore W. Anderson, and
Mr. James Williams
(Neuman, Williams, Anderson & Olson)
77 West Washington Street
Chicago, Illinois 60602

and

Mr. William Streeter,
Corporate Patent Counsel
(The Magnavox Company)
Port Wayne, Indiana 46804
appeared on behalf of the Plaintiffs;

Mr. Donald L. Welsh
(Fitch, Even, Tabin & Luedeka)
135 South LaSalle Street
Chicago, Illinois 60603
appeared on behalf of Defendants
Bally Manufacturing Corporation,
Empire Distributing, Inc., and
Midway Manufacturing Co.;

Mr. Edward C. Threedy
(Threedy & Threedy)
111 West Washington Street
Chicago, Illinois 60602
appeared on behalf of Defendant
Chicago Dynamic Industries, Inc.;

Mr. Melvin M. Goldenberg
(McDougall, Hersh & Scott)
135 South LaSalle Street
Chicago, Illinois 60603
appeared on behalf of Defendants
Seeburg Industries, Inc., The Seeburg
Corporation of Delaware, Williams
Electronics, Inc., and World Wide
Distributors, Inc.

Also Present:

Mr. Wayne Koci

I N D E XWITNESSEXAMINATION

Jerry C. Koci

By Mr. Anderson

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By Mr. Threedy

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E X H I B I T SJERRY KOCI DEPOSITIONEXHIBIT NUMBERSIDENTIFIED

- | | | |
|-----|---------------------------------------------------------------------------------------|----|
| 1, | Notice of taking deposition addressed to Chicago Dynamic Industries under Rule 30 B 6 | 26 |
| 2, | Brochure entitled "Chicago Coin's TV Pingame" | 28 |
| 3, | Brochure entitled "Chicago Coin TV Pingame Parts Catalog" | 29 |
| 4, | Booklet, "TV Pingame Model 451 Schematic" | 35 |
| 5, | Blueprint pages, "451 TV Pingame," and comprising Pages A1 and 1 through 7 | 35 |
| 6, | Brochure entitled "TV Goalee" | 39 |
| 7, | Book entitled "TV Goalee Model 434 Parts Catalog" | 39 |
| 8, | Circuit diagram entitled "TV Goalee" | 39 |
| 9, | Blueprints entitled "434 TV Goalee," Page Nos. A1 and 1 through 16 | 39 |
| 10, | Document entitled "Olympic TV Hockey" | 47 |

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EXHIBIT NUMBERS

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| 11, | Booklet entitled "Olympic TV Hockey, Olympic TV Football Parts Catalog" | 47 |
| 12, | Circuit diagram entitled "Olympic TV Hockey, Olympic TV Football" | 47 |
| 13, | Pages entitled "429 Olympic TV Hockey," Pages A1 and 1 through 13 | 47 |
| 14, | Brochure entitled "TV Tennis" | 53 |
| 15, | Book entitled "TV Tennis Model 427 Parts Catalog" | 53 |
| 16, | Circuit diagram entitled "IC Board Schematic, Two- or Four-Player TV Tennis" | 53 |
| 17, | Blueprints entitled "427, Two- or Four-Player TV Tennis," comprising Pages A1, A3, 1, 1A, and 2 through 12 | 53 |
| 18, | Photograph of a machine bearing the label "TV Ping Pong" | 59 |
| 19, | Booklet entitled "TV Ping Pong Model 424 Parts Catalog" | 59 |
| 20, | Circuit diagram entitled "IC Board Schematic TV Ping Pong" | 59 |
| 21, | Pages entitled "424 TV Ping Pong," Pages A1, A3, 1, 2, 2A and 3 through 5 | 59 |
| 22, | Brochure entitled "TV Ping Pong" | 59 |

1 MR. ANDERSON: Would you swear the witness,
2 please?

3 (Witness duly sworn.)

4 JERRY C. KOCI,
5 called as a witness herein, having been first duly
6 sworn, was examined and testified as follows:

7 EXAMINATION

8 By Mr. Anderson:

9 Q Will you please state your full name?

10 A Jerry C. Koci.

11 Q That's K-O-C-I?

12 A K-O-C-I.

13 Q And J-E-R-R-Y?

14 A Right.

15 Q Where do you reside?

16 A 219 East Lake Shore Drive, Tower Lake,
17 Barrington, Illinois.

18 Q By whom are you employed?

19 A Chicago Dynamic Industries.

20 Q What is your position with Chicago Dynamic
21 Industries?

22 A V. P. of engineering.

23 Q To whom do you report?

24 A The president, Mr. Samuel Gensburg.

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 Q Does Chicago Dynamic Industries have other
2 vice presidents?

3 A Yes, sir.

4 Q How many?

5 A Two.

6 Q And what are their names and positions?

7 A Avron Gensburg.

8 Q E-V-E-R-O-N?

9 A A-V-R-O-N Gensburg, G-E-N-S-B-U-R-G, vice
10 president.

11 Harry Glick, G-L-I-C-K.

12 Q Is he also a vice president?

13 A Yes, sir.

14 Q Are they in charge of specific functional
15 areas of the company?

16 A They are. Avron is in charge of the
17 Chicago Coin Machine Division. Harry Glick is in
18 charge of the Precision Products Division.

19 Q What is the general product line of the
20 Precision Products Division?

21 A We make sophisticated rotary and thumb-
22 wheel switches.

23 Q What is the product line of the Chicago
24 Coin Machine Division?

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 A Coin-operated amusement machines.

2 Q Does the company have any other divisions?

3 A We have an extinct division called Genco,
4 which has been closed down.

5 Q What was the nature of the Genco product
6 line?

7 A They also manufactured coin-operated amuse-
8 ment machines.

9 Q When did Genco cease operating as a division?

10 A (No response.)

11 Q Prior to 1972?

12 A Oh, yes.

13 Q I don't think I'm interested in that.

14 A Twenty years, fifteen years, maybe.

15 Q What are the different types of coin-
16 operated amusement machines made by Chicago Coin
17 Machine?

18 A I believe we have made about every type;
19 namely --

20 Q What are you currently making at Chicago
21 Coin?

22 A We are currently making Flipper, Puck
23 Bowler --

24 Q Puck Bowler?

1 A Puck, P-U-C-K, a Puck Bowler, and we are
2 starting production on a video game called Super
3 Flipper.

4 Q Is Super Flipper now in production?

5 A Just starting. A few problems. Ought to
6 start delivery, hopefully, today.

7 MR. ANDERSON: Mr. Threedy, I guess we have
8 no information on Super Flipper.

9 MR. THREEDY: I will get that for you.

10 MR. ANDERSON: I understand that might be because
11 it went into production today.

12 MR. THREEDY: Right.

13 MR. ANDERSON: But obviously, we would like a
14 logic diagram and whatever other printed material
15 exists on Super Flipper.

16 MR. THREEDY: Right. No problem.

17 By Mr. Anderson:

18 Q Can you describe Super Flipper generally,
19 from the participant's point of view? How is it made
20 and what does he see?

21 A Well, basically, what we try to do, the
22 general appearance looks like a Flipper game, in that
23 the cabinet is very much like a Flipper game, having
24 four metal legs, a metal body and a back rack to it.

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1 Superimposed on the cathode ray tube, we
2 have simulated images of what would be on a normal
3 Flipper game; bumpers, lanes, et cetera.

4 Q Are these painted on or otherwise on the
5 surface?

6 A On the surface of the cathode ray tube.
7 They are generated electronically.

8 Q Oh, they are generated electronically?

9 A Right.

10 Q Is there a ball involved in Super Flipper?

11 A Yes, sir.

12 Q Is it a one-participant game, one at a time?

13 A One-player game, yes, sir.

14 Q Does he in some way propel the ball among
15 the simulated images on the TV screen, or how does he
16 play?

17 A Let us say at the start of the game, after
18 you press your credit button, the ball travels from
19 left -- rather, from right to left and back again
20 across the top of the cathode ray tube.

21 MR. THREEDY: Mr. Anderson, I think, for
22 clarification, it's a ball image, not a ball.

23 MR. ANDERSON: All right.

24 MR. THREEDY: I think you said "image."

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1 MR. ANDERSON: No, I said "ball," but obviously,
2 it's the image that represents a ball.

3 THE WITNESS: Right.

4 By Mr. Anderson:

5 Q And if we use "ball," we mean an image.
6 Obviously, there is not a physical ball up there.

7 A Exactly right.

8 Q All right.

9 A We have at the front of the cabinet a shooter
10 assembly such as a Flipper game. Pulling this shooter
11 out and releasing it, such as you do in playing a
12 Flipper game, releases this image of a ball so that it
13 starts downward.

14 Q Before the player pulls and releases the
15 shooter, is the ball traveling back and forth across
16 the --

17 A Back and forth, correct.

18 Q And then he releases the shooter and the
19 ball starts to come down?

20 A Right.

21 Q In a sawtooth path, or how?

22 A A very indiscriminate pattern. The player
23 really has one control. Since there are two lanes
24 at the top of the play field, he can release his

1 shooter to try and get the image into one of the two
2 lanes.

3 Q Are those vertical lanes?

4 A Yes, they are.

5 Q And once he has elected one of the two lanes
6 by releasing the shooter, what determines the path
7 of the ball down the screen?

8 A Well, it simply depends on whether this
9 image of a ball strikes a barrier, a target, so to
10 speak; a bumper. It's deflected and continues across
11 the face up and down and sideways.

12 Q Does it always remain in the one lane that
13 the player released it in?

14 A No, it drops through the lane.

15 Q It goes from lane to lane also?

16 A No, just goes through the lane that you
17 direct the ball into it. After that it, of course,
18 drops from the lane and proceeds across the game
19 surface.

20 Q What produces a score in the game of Super
21 Flipper?

22 A Any object that's displayed on the CRT tube,
23 after it is hit by the ball, does score, in denomina-
24 tions of ten or one hundred.

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 Q And the objects you are referring to are
2 bumper images, are they?

3 A Bumpers, the sides of the lanes.

4 Q Any other objects, other than bumpers and
5 lane sides that produce scores?

6 A That's about it.

7 Q When the ball image strikes a bumper image,
8 does the ball change course, change its direction?

9 A Yes, it does.

10 Q In what respect?

11 A Unpredictable. I would imagine it's at an
12 angle from which it strikes the object, deflects at
13 an apparent angle away from it.

14 Q At some point, I may be asking questions
15 that are better answered by Mr. Wayne Koci, and just
16 say so if we get to that point.

17 A Fine. I would appreciate that.

18 Q But does the angle of incidence of the ball
19 against the bumper equal the angle at which it re-
20 bounds?

21 A Wayne?

22 MR. WAYNE KOCI: Not necessarily.

23 MR. ANDERSON: If he is the man, just say he is
24 the man and I will understand.

1 THE WITNESS: You will relieve me.

2 MR. ANDERSON: I'm just trying to draw the line
3 where your management and administrative expertise
4 will end, and we can defer anything else to him later.

5 THE WITNESS: Right.

6 By Mr. Anderson:

7 Q With respect to lane sides, if the ball
8 image appears to bounce against the side of a lane,
9 what happens?

10 A It scores and is deflected.

11 Q It also bounces?

12 A Right.

13 Q And do you know, is the bounce off the lane
14 side also -- or of the same nature as the bounce off
15 of a bumper?

16 A Yes, sir.

17 Q And as far as you know, is the angle that
18 it bounces equal to the angle that it impacts?

19 A In my opinion, although Wayne apparently
20 disagrees.

21 Q Now, it's called Super Flipper. Is there a
22 flipper phenomenon in the game?

23 A Yes, there is.

24 Q And how does that work?

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1 A We have four flipper images on the face of
2 the CRT. There are two on the left side of the screen
3 and two on the right side.

4 To control these bars or flippers, we have
5 two flipper buttons on the side of the outside of the
6 cabinet which can be depressed by the player.
7 Depressing these buttons then, of course, moves these
8 flipper bars inward toward the center of the CRT.

9 Q Is the flipper bar on the display a vertical
10 bar?

11 A Horizontal.

12 Q It's a horizontal bar?

13 A Right, approximately an inch, inch and a
14 quarter in length.

15 Q And the flipper bar, when a flipper button
16 is depressed, moves horizontally inward toward the
17 center of the screen?

18 A Right.

19 Q Does it move in a step-like manner just to
20 one inward position, or does the player control the
21 position?

22 A Gradually by the player's control.

23 Q So that if he pushes the button slightly,
24 it moves a little bit?

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1 A Right.

2 Q And if he pushes it a lot, it goes all the
3 way over or halfway?

4 A No. No, I would say about a travel of two
5 inches, approximately.

6 Q Does the left-hand flipper button control
7 the left-hand flipper bar and the right --

8 A Two bars.

9 Q Two bars?

10 A Yes.

11 Q And is one located above the other on the
12 display?

13 A Right. I would say about four, four-and-a-
14 half inches above the lower one.

15 Q And the right-hand button controls the
16 right-hand two bars, is that correct?

17 A Yes, sir.

18 Q And they are also about four-and-a-half
19 inches apart and an inch-and-a-half wide?

20 A Right.

21 Q What does the player try to accomplish by
22 moving the flipper bars?

23 A He tries to direct the ball upward in order
24 that he don't lose the ball through the out lane at

1 the bottom of the display.

2 Q So that he attempts with a flipper bar to
3 intercept the travel of the ball toward the bottom
4 of the screen?

5 A Correct.

6 Q And if he succeeds, the ball bounces off
7 the flipper bar and bounces back up?

8 A Right.

9 Q And if he misses, it goes off the bottom
10 and he has lost the ball forever?

11 A That's disastrous.

12 Q I take it in normal play, he gets another
13 ball somehow?

14 A The game is adjustable for three or five
15 balls per coin.

16 Upon losing a ball through what we call the
17 out lane at the bottom of the display, a new ball
18 then starts at the top of the screen, moving left --
19 from the right to the left and back and forth.

20 Q Does the new ball automatically start down,
21 or does he again have to --

22 A Again, he has to operate the shooter.

23 Q Is there any event in the play of the game
24 where the ball actually disappears from the screen

1 without going off the bottom, or does it remain in
2 play until it goes off the bottom?

3 A Funny you should ask that. That's one of
4 the problems with the game. We do lose the ball half-
5 way down, and that's where I got my gray hair.

6 Q I see. It's not supposed to do that?

7 A It's not supposed to do it.

8 Q When the ball is intercepted by moving the
9 flipper bar, does the ball bounce off at the opposite
10 angle that it impacts with the flipper bar?

11 A Again, I believe it does.

12 Wayne, do you want to confirm that?

13 MR. WAYNE KOCI: I don't think they want to ask
14 me direct questions. I don't think he wants me to
15 answer at this point. I think he will catch me later.

16 MR. ANDERSON: It confuses the record if he
17 answers at this point.

18 THE WITNESS: He and I are apparently opposed
19 on this point.

20 By Mr. Anderson:

21 Q If the player moves the left-hand flipper
22 button slightly and holds it still in a slightly
23 depressed position, does the flipper bar continue to
24 move across the screen, or does it go to a particular

1 slightly shifted position and sit there?

2 A It goes to a particularly slightly moved
3 position and stays there.

4 Q Is the flipper bar control actuating a
5 potentiometer inside the circuitry, do you know?

6 A It really operates through a light source
7 and a photocell.

8 Q Which, in turn, changes the value of
9 resistance?

10 A Right. The flipper button operates the
11 flipper bar into which is punched a hole. This hole
12 either intercepts or blocks out the light from the
13 cell.

14 Q And that interception, I gather, is a
15 gradual thing, not an on-off type of light intercep-
16 tion?

17 A It is gradual.

18 Q Is there a visible border around the game
19 playing area, or do the sides of the TV screen define
20 the borders of the playing field?

21 A There is a visible display area on all four
22 sides, with the exception of the bottom, which is
23 open, and which I referred to earlier as an out hole
24 or an out passage.

1 Q Is the entire bottom an out passage?

2 A A portion of it.

3 Q Is there a visible bar covering a portion
4 of it?

5 A Yes, there is, in the left- and right-hand
6 corners.

7 Q If the ball appears to strike one of those
8 visible bars on the left and right corner, does it
9 bounce up off the bottom in those cases?

10 A Yes, it does.

11 Q When the game is not in play -- it's hoping
12 a quarter will be deposited in it -- is it displaying
13 anything on the screen at all?

14 A The targets are continued to be displayed,
15 and the ball image moves around randomly in order to
16 excite interest.

17 Q That was referred to as the skill effect
18 the other day.

19 A Right.

20 Q Is that what people in your organization
21 would call it, too?

22 A No, we are not familiar with the word,
23 but I know what you mean.

24 Q In that idle mode of display, is the ball

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 apparently bouncing off of these visible side walls
2 that you are referring to?

3 A Yes.

4 Q And if the ball happens to go off of the
5 bottom between the two side bars, does it bounce then,
6 too, or does it disappear?

7 A It reappears at the top of the screen, but
8 randomly moving all the time.

9 Q Who developed the Super Flipper game?

10 A That was developed by a company in Ancona,
11 Italy.

12 Q How do you spell that?

13 A A-N-C-O-N-A.

14 Q Do you know the name of the company?

15 A Model Racing.

16 Q Company?

17 A Company.

18 Q Is that a company affiliated with Chicago
19 Dynamic in any way?

20 A They recently became our distributors for
21 Italy. Prior to that, we had purchased -- or at least
22 arranged a royalty agreement on a game called
23 Trapshoot.

24 Q Was that a video game?

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 A No, sir, it was not.

2 Q Was that a game that they developed and
3 licensed you to make?

4 A Yes, sir.

5 Q Was Super Flipper a game which was completely
6 developed by Model Racing and sold to you as a complete
7 package, or was it a development arrangement between
8 the two companies?

9 A It was completely packaged and sold to us
10 as a completed game.

11 Q Is Model Racing Company of Ancona, Italy
12 a manufacturer of video games, do you know?

13 A They have manufactured this one, and I
14 think it could have been their first introduction into
15 video games.

16 Q Have they distributed video games of U. S.
17 companies in Italy, do you know?

18 A Up to -- actually, I don't know,
19 Mr. Anderson.

20 Q For how long has Model Racing Company been
21 a CDI distributing company in Italy?

22 A About a month, month and a half.

23 Q What contacts had CDI -- and when I say
24 "CDI," I mean Chicago Dynamic.

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1 A Right.

2 Q -- had CDI had with Model Racing prior to
3 that first representation about a month ago?

4 A As I mentioned before, we did arrange a
5 royalty agreement on Trapshoot, which was about a
6 year and a half ago, two years ago.

7 Q Have you had any other dealings with Model
8 Racing Company other than the recent distributorship
9 and the arrangement on Trapshoot and the arrangement
10 on Super Flipper?

11 A No, sir, not to my knowledge.

12 Q How did Super Flipper first come to Chicago
13 Dynamic's attention?

14 A The manager of our Wiesbaden office,
15 by the name of Michael Barr, is in close contact with
16 all our distributors and manufacturers throughout
17 Europe. And as I recall the story, they had called
18 Mike -- that is, Model Racing -- that they had Super-
19 Flipper pretty well finished, and that he, Mike Barr,
20 should make arrangements for somebody at CDI, if they
21 could run over to Italy and look at this new game.

22 Q Did you go and look at it?

23 A Avron Gensburg went there, Mr. Anderson.
24 I have been there many times.

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 Q Is Chicago Dynamic presently in production
2 on any video games, other than Super Flipper?

3 A No, sir.

4 Q Does Chicago Dynamic fabricate all of the
5 subassemblies and component parts of the Super Flipper
6 game themselves, or do they farm out some of the
7 subassembly work?

8 A We are, on Super Flipper, actually making
9 five of the PC boards, assembling them and testing
10 them.

11 However, the three remaining boards --
12 and I'm speaking of the basic printed circuit boards --
13 are made in Grayslake, sent to us, where we proceed
14 to assemble components on them and inspect them.

15 Q When the boards are received by Chicago
16 Dynamic, do they have any components attached to them
17 at all?

18 A No, sir.

19 Q What is the name of the company in Grayslake,
20 do you know?

21 A Gauldine.

22 Q G-A-L-D-E-E-N?

23 A G-A-U-L-D-I-N-E, Grayslake, Illinois.

24 Q Has Chicago Dynamic made other video games,

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 other than Super Flipper?

2 A Yes, sir.

3 Q When was Chicago Dynamic's last production
4 on a video game prior to the manufacture of Super
5 Flipper?

6 A We finished TV Pingame on April 29, 1975.

7 Q And when you say "finished," you mean
8 finished the production run of it?

9 A Right.

10 Q And at that point, ceased manufacturing it?

11 A Yes, sir.

12 Q When did you first make TV Pingame?

13 A Production began on February 5, 1975.

14 Q Was TV Pingame a game which was developed
15 at Chicago Dynamic?

16 A No, sir.

17 Q Who developed TV Pingame?

18 A Exidy.

19 Q What's the full name of Exidy, do you know?

20 A I believe that's the name, Exidy,
21 Incorporated.

22 Q Where are they located?

23 A In the Bay Area in California. They
24 recently have moved.

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 MR. WAYNE KOCI: Sun Valley.

2 THE WITNESS: Sun Valley, California.

3 By Mr. Anderson:

4 Q What is the nature of Exidy's business?

5 A They also manufacture, in a very small way,
6 video-type games.

7 Q Does Exidy market the games under their
8 own name?

9 A Yes, sir, they do, under their own name.

10 Q Do you know the name of the game that they
11 made? Is it TV Pingame or something else or both?

12 A I can't recall the name of their game.

13 Q Was it TV Pingame?

14 A Yes, it was. We called it TV Pingame. I
15 don't recall what they called theirs.

16 Q But it was the same game?

17 A Exactly the same game.

18 Q Is the display equipment in Super Flipper
19 a commercially purchased item, what I call the TV
20 display and you called, I think, the CRT?

21 A Yes, it is.

22 Q And what piece of equipment do you use in
23 Super Flipper?

24 A A Motorola monitor.

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1 Q Do you happen to know the model number?

2 A No, I don't. All I can add to that, it's
3 what they call their 23-inch tube.

4 Q They call it a 23-inch TV monitor?

5 A Yes, sir -- I don't know if it's a TV
6 monitor. I believe it's just a monitor, a display
7 monitor.

8 Q What display equipment was used in the TV
9 Pingame?

10 A Motorola, also.

11 Q The same monitor?

12 A It was a 19-inch, however.

13 Q What was Chicago Dynamic's first contact
14 with Exidy?

15 A I believe our sales manager knew Pete
16 Kaufmann, the president of Exidy, and he had met him
17 at one of the trade shows and had preliminary dis-
18 cussions with regard to licensing us to make the
19 game.

20 Q Is that K-A-U-F-M-A-N?

21 A K-A-U-F-M-A-N-N.

22 Q Do you know at what trade show your sales
23 manager saw Pete Kaufmann?

24 A I believe it was the MOA Show last November.

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 Q November of '74?

2 A '74.

3 Q Do you manufacture the Super Flipper game
4 under some written arrangement with Model Racing?

5 A Yes, we do.

6 MR. ANDERSON: May we see a copy of that docu-
7 ment, Mr. Threedy?

8 MR. THREEDY: I don't think there would be any
9 objection, except I don't think that we have a
10 protective order running to CDI. If we can perfect
11 one of those, I'm sure that the disclosure will be
12 made.

13 MR. ANDERSON: All right. We are going to arrive
14 at an appropriate order.

15 MR. THREEDY: If we can work out a stipulation
16 with respect to the protective order.

17 By Mr. Anderson:

18 Q Did you manufacture TV Pingame under some
19 arrangement in writing with Exidy?

20 A Yes, sir.

21 MR. ANDERSON: And we would like to see that on
22 the same arrangement.

23 MR. THREEDY: Yes.

24 MR. ANDERSON: I don't believe we have any

LEON M. GOLDING AND ASSOCIATES, CHICAGO

1 material on TV Pingame at all.

2 MR. THREEDY: I have it with me.

3 MR. ANDERSON: May we have that?

4 MR. THREEDY: Sure.

5 (Documents tendered.)

6 MR. ANDERSON: Did I ask, do you have similar
7 literature on the Super Flipper?

8 THE WITNESS: It's in the process of being
9 printed.

10 MR. ANDERSON: You do not have anything here
11 today?

12 THE WITNESS: No, sir.

13 MR. THREEDY: I mentioned to Mr. Wayne Koci to
14 bring back tomorrow with him whatever he might have
15 on Super Flipper. I don't know whether they have a
16 perfected circuit or not.

17 MR. ANDERSON: All right. Before marking the
18 documents which you have handed me, Mr. Threedy, I
19 think I will have the reporter mark as Jerry Koci
20 Deposition Exhibit 1 the notice of taking deposition
21 addressed to Chicago Dynamic Industries under Rule
22 30 B. 6.

23 (The document above referred to was
24 marked Jerry Koci Deposition Exhibit
No. 1 for identification.)

1 By Mr. Anderson:

2 Q Mr. Koci, I place before you Exhibit 1 and
3 ask you if you have ever seen that before, including
4 the two attachments?

5 (Witness examining document.)

6 THE WITNESS: Yes, I have seen this.

7 MR. ANDERSON: Mr. Threedy, I understand that you
8 have designated Mr. Jerry Koci, this witness, with
9 respect to Paragraphs 3, 4 and 6 of Attachment A to
10 the notice of deposition Exhibit 1.

11 MR. THREEDY: That's correct.

12 MR. ANDERSON: And that Mr. Wayne Koci is
13 designated as to Paragraphs 1, 2 and 5, is that
14 correct?

15 MR. THREEDY: That's correct. And also with
16 respect to B, I believe.

17 MR. ANDERSON: And B is a request for production
18 of documents, Mr. Koci. Have you produced documents
19 here today in response to the request, Attachment B?

20 MR. THREEDY: Everything with the exception of
21 the two licenses that he had mentioned, again, because
22 we had not had a protective order, and I was not too
23 sure of the relevancy at that time of it. But
24 everything else that they have has been produced.

1 MR. ANDERSON: Now, you have handed us certain
2 documents relating to Chicago Coin's TV Pingame.
3 Do you have any additional documents that respond to
4 the four paragraphs of Attachment B that you will
5 produce at this time?

6 MR. THREEDY: I think you have everything.

7 That's correct, I think you have everything.
8 You have had all the schematics, except for the TV
9 Pingame and now the Super Flipper. If one exists,
10 you will have it.

11 MR. ANDERSON: Included in the request were docu-
12 ments identified in Interrogatories 205 and 208
13 relating to Magnavox's Odyssey game.

14 MR. THREEDY: Right.

15 MR. ANDERSON: Are there any documents in those
16 categories?

17 MR. THREEDY: There are none.

18 MR. ANDERSON: I will have the reporter mark as
19 Jerry Koci Deposition Exhibit 2 a colored brochure
20 having the title "Chicago Coin's TV Pingame."

21 (The document above referred to was
22 marked Jerry Koci Deposition
Exhibit No. 2 for identification.)

23 MR. ANDERSON: And I will have the reporter mark
24 as Exhibit 3 a brochure entitled "Chicago Coin TV

1 Pingame Parts Catalog."

2 (The document above referred to was
3 marked Jerry Koci Deposition
4 Exhibit No. 3 for identification.)

5 By Mr. Anderson:

6 Q Mr. Koci, were all of the TV Pingames
7 made at Chicago Coin sold or otherwise disposed of?

8 A Yes.

9 Q Were Exhibits 2 and 3 publications of
10 Chicago Coin which were distributed in the ordinary
11 course of their business?

12 A Yes, sir.

13 Q And do they relate to the TV Pingame that
14 was made and sold by Chicago Dynamic between about
15 February and April of 1975?

16 A Yes, sir.

17 Q You indicated some question in your mind
18 as to how the Motorola monitor was identified by
19 Chicago Coin, and I show you Page 3 of the parts
20 catalog, Exhibit 3.

21 Is that the Motorola monitor that you are
22 referring to?

23 A Yes, sir.

24 Q And is it referred to as a TV monitor on
that page right at the top of Page 3?

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1 A Yes, sir.

2 Q Do you have any reason to believe that that
3 isn't the normal way that Chicago Dynamic refers to
4 the Motorola TV monitor?

5 A I can't say. Some do, some don't.

6 Q Now, with respect to the Chicago Coin TV
7 Pingame brochure, Jerry Koci Exhibit 2, that relates
8 to the same TV Pingame that Exhibit 3 relates to, is
9 that correct?

10 A Right.

11 Q And that uses the same Motorola TV monitor?

12 A Yes, sir.

13 Q Now, I notice in the literature, on the
14 lower right-hand side, it says, "Sight-Game in full
15 color; unique color overlay on standard TV screen."

16 Is that referring to the Motorola TV
17 monitor?

18 A The Motorola TV monitor?

19 Q That is correct.

20 A Right.

21 Q Can you describe, probably best using
22 Exhibit 2, how the game is played, what the partici-
23 pant does and sees?

24 A Well, here again, upon depositing a coin,

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1 a ball image travels from right to left back and
2 forth across the top of the screen directly under-
3 neath the two score displays.

4 On the player control panel is located a
5 release, ball release button. Upon depressing this,
6 the ball image then starts to move downward and across
7 the screen.

8 Q There is a small red ball in the center of
9 the screen shown in Exhibit 2 just under the numbers.
10 Is that the ball?

11 A Yes, sir.

12 Q And does it move back and forth at that
13 horizontal level until the game is started by the
14 player?

15 A Yes, sir.

16 Q And then it moves down, and does it bounce
17 against the red, green and blue targets?

18 A Yes, sir.

19 Q Do you call those bumpers or flippers or
20 anything of that sort?

21 A They are called bumpers on the circular.

22 Q I see. And does the color of the bumper
23 have anything to do with the way the game is played?

24 A No, sir.

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1 Q Does it affect the scoring at all?

2 A None at all.

3 Q Describe, then, how the ball reacts when
4 it hits either the bumpers or the other images shown
5 on the screen?

6 A Well, as the ball image hits any of the
7 16 bumpers, upon being hit, the particular bumper that
8 the ball image hits disappears and a score is added
9 to the player's readout.

10 Q Now, I notice there is a broken colored
11 border around the screen. Can you describe how that
12 functions in the game?

13 A To my knowledge, it's simply a wall. The
14 colors have no respect to the scoring.

15 The ball image hitting the left or right
16 side simply is deflected back onto the screen.

17 Q Is a score accomplished when the ball hits
18 the side?

19 A I don't recall.

20 Q Does the ball bounce off the bumpers at the
21 same time it scores?

22 A Yes, sir.

23 Q When the ball strikes the side, does it
24 matter whether it strikes the visible portion or the

1 broken portion of the border?

2 A No, sir.

3 Q Does it bounce off the broken portion or
4 the visible portion --

5 A As well.

6 Q -- in the same manner?

7 A Yes, sir.

8 Q When the ball reaches the bottom of the
9 screen in TV Pingame, what happens?

10 A If you will notice, we again have a bar
11 which is controlled by the player at the bottom of the
12 screen.

13 Q That's a small horizontal bar?

14 A Yes, sir.

15 Q Shown in the center, is it, on Exhibit 2?

16 A Left of center.

17 Q Left of center and green, is that correct?

18 A Correct.

19 Q And how does the player control the bar,
20 and what effect does it have?

21 A It controls this by a little plastic knob on
22 the control board. Turning this knob to the left,
23 of course, moves the paddle or bar to the left.
24 Turning the knob to the right moves that bar or

1 paddle to the right -- the object being, of course,
2 to prevent the ball from being lost through the
3 bottom opening.

4 Q So if the ball strikes the paddle, it
5 bounces back into the field?

6 A Yes, sir.

7 Q And if it doesn't, it disappears off the
8 bottom?

9 A Right.

10 Q When the ball disappears off the bottom,
11 what happens next?

12 A It registers one less ball on balls to be
13 played.

14 The game is normally set to play on five
15 balls per coin. When a player loses the ball through
16 the bottom opening, the ball counter, of course, is
17 changing from five to four until all five balls are
18 played, which then again, the game reverts to a game
19 over condition.

20 Q Is the balls to be played indicia at the
21 upper left-hand corner of the screen?

22 A Yes, sir.

23 Q And what's the number at the upper right-
24 hand corner?

1 A Those are games or credits. Each time you
2 insert a coin, the credit numeral steps up by one.

3 Q As of February 5, 1975, was Chicago Coin
4 making any other video game?

5 A No, sir.

6 MR. ANDERSON: I will have the reporter mark as
7 Jerry Koci Deposition Exhibit 4 a booklet stapled
8 together and identified as "TV Pingame Model 451
9 Schematic," and as Exhibit 5, a set of blueprint pages
10 bearing the top heading "451 TV Pingame," and com-
11 prising Pages A1 and 1 through 7.

12 (The documents above referred to were
13 marked Jerry Koci Deposition Exhibit
14 Nos. 4 and 5, respectively, for
identification.)

15 By Mr. Anderson:

16 Q Mr. Koci, I place before you Exhibit 4 and
17 ask you if that is, to the best of your knowledge,
18 the schematic diagram of Chicago Coin's TV Pingame?

19 A Yes, sir.

20 Q And it comprises many sub-diagrams. Is that
21 the way that particular schematic was organized?

22 A Yes, sir.

23 Q Is there a single sheet in which they are all
24 shown on one page, do you know?

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1 A I don't believe so.

2 Q Were those drawings prepared by Chicago
3 Coin or by Exidy or by someone else?

4 A Originally prepared by Exidy, submitted to
5 us and redrawn at our plant.

6 Q When submitted by Exidy, were they in-
7 corporated in a single drawing, do you know?

8 A No; as you see them here in Exhibit 4.

9 Q Were changes made by Chicago Dynamic, or
10 is the game, from a circuit point of view, identical
11 to the way it was received from Exidy?

12 A I'm not familiar with the solid state
13 circuitry.

14 Q So you don't know if changes were made or
15 not?

16 A I do not know.

17 Q I would like to hand you Exhibit 5, the
18 pages marked A1 and 1 through 7 and ask you if they
19 relate to the TV Pingame made by Chicago Coin?

20 (Witness examining document.)

21 THE WITNESS: Yes, sir.

22 By Mr. Anderson:

23 Q What are they?

24 A This is our parts list, or what we refer to

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1 as a stock sheet.

2 Q To the best of your information, would it
3 accurately describe the parts of the game?

4 A Yes, sir.

5 Q As of February, 1975, were you in production
6 on any other videos at Chicago Dynamic?

7 A No, sir.

8 Q Prior to that, had you made any other
9 video games?

10 A Yes, sir.

11 Q And what was the last preceding date when
12 you made a video game, and what was that game?

13 A That game was called TV Goalee. That was
14 started on April 29, 1974, and production finished on
15 August 22, 1974.

16 Q Is it the practice of the coin amusement
17 game industry to design a new game, run it for a short
18 time, and then phase it out and look for a new model?
19 Is that the nature of the industry?

20 A Yes, sir, it is.

21 Q And does that explain the pattern of
22 production and termination in the video game industry
23 as it's practiced at Chicago Coin?

24 A That's exactly right.

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1 Q Do you now have the next generation video
2 game at Chicago Coin under development or in embryonic
3 production?

4 A No, sir.

5 Q Do you know what the next generation is
6 going to be at Chicago Coin?

7 A Well, there seems to be a desire for driving
8 games, such as Midway Wheels, Allied Street Burner,
9 and my thinking is kind of being generated along those
10 lines.

11 Q Do you have any original literature or
12 documents on the TV Goalee that we can use, rather
13 than using Xeroxes?

14 MR. THREEDY: Didn't I give you originals?

15 MR. ANDERSON: No, we have only Xeroxes.

16 THE WITNESS: But they got them originally.

17 MR. THREEDY: Yes, I think I gave you originals.

18 THE WITNESS: This is a second set.

19 MR. THREEDY: I gave you an original on every-
20 thing that we had on each of the four or five games
21 at that time.

22 MR. ANDERSON: Not to keep, I think, Ed. We
23 have blueprints, good blueprints of the circuits,
24 but not any of the colored material at all.

1 MR. THREEDY: I'm sorry. This is the set of
2 documents (documents tendered.)

3 MR. ANDERSON: Would it be acceptable to mark
4 the originals? You can retain it.

5 MR. THREEDY: All right.

6 MR. ANDERSON: All right. I would like the
7 reporter to mark as Jerry Koci Deposition Exhibit 6
8 a colored brochure entitled "TV Goalee," as Exhibit 7,
9 a book entitled "TV Goalee Model 434 Parts Catalog,"
10 as Exhibit 8, a circuit diagram entitled "TV Goalee,"
11 and as Exhibit 9, a collection of blueprints entitled
12 "434 TV Goalee," and page numbers A1 and 1 through 16.

13 (The documents above referred to were
14 marked Jerry Koci Deposition Exhibit
15 Nos. 6, 7, 8 and 9, respectively,
for identification.)

16 By Mr. Anderson:

17 Q Mr. Koci, I would like to hand you Jerry
18 Koci Exhibits 6 through 9 and ask you if they are
19 documents published in the regular course of Chicago
20 Dynamic's business?

21 A Yes, sir.

22 Q And do they relate to the TV Goalee game
23 that Chicago Dynamic made and sold from about April to
24 August of 1974?

A Yes, sir.

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1 Q Utilizing the colored one-page brochure,
2 Exhibit 6, can you describe the display and how the
3 game is played in TV Goalee?

4 A The display on the monitor depicts a soccer
5 field.

6 These games come and go so fast, I will try
7 and recall how it's played as accurately as I can.

8 Upon insertion of a coin, the ball image
9 appears on the center dotted line. For player controls,
10 we have what we normally refer to as joy sticks --

11 Q May I just interrupt? Does the ball, when
12 it appears at the center dotted line, stand still or
13 start to move?

14 A Stands still.

15 Q All right. Go ahead.

16 A As the player controls or moves his
17 respective joy stick, he moves a paddle from right to
18 left for the right-hand player and from left to right
19 for the left-hand player.

20 The object of the game is to strike the
21 ball with the paddle in a direction of the opponent's
22 goal.

23 Moving the control joy stick too fast,
24 wherein the paddle should strike the ball, it could,

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1 upon occasion, pass through the ball. Therefore,
2 the player must operate the joy stick at a controlled
3 rate whereby the ball will be moved toward the
4 opponent's goal.

5 Obviously, the other player tries to prevent
6 the scoring of the ball image into his goal, and he,
7 in turn, tries to score into his opponent's goal.
8 That, basically, is the game.

9 Q Did the joy stick move the paddle both
10 left and right and forward and rearwardly on the
11 screen?

12 A Well, it moves it in all directions; left
13 and right, and what I refer to as up and down.

14 Q In this case, the screen is horizontal, as
15 I understand it?

16 A Yes, sir.

17 Q So that in this case, up would be away from
18 the player?

19 A Away from you.

20 Q And down would be toward the player?

21 A Toward the player, right.

22 Q Can the left-hand player, for example, move
23 his paddle anywhere on the TV screen, or is he limited
24 in some way?

1 A With the exception of the opponent's goal;
2 he cannot enter it with his paddle, and vice versa
3 for the second player.

4 Q If the left-hand player attempts to move
5 the paddle that he is controlling into the right-hand
6 player's goal, what happens?

7 A The paddle stops at the outside perimeter
8 of the goal. No matter how much he moves his joy
9 stick, it will not enter the goal area.

10 Q And the goal area is a small rectangle --
11 for the right-hand player's goal, I take it it is
12 on the left side, is that correct?

13 A Right.

14 Q And it's disposed right against the left
15 edge of the playing field?

16 A Right.

17 Q And fills approximately the center third
18 of the left-hand edge of the playing field?

19 A Right.

20 Q Now, can the left-hand player move his
21 paddle both underneath and above the goal?

22 A No, sir, he cannot.

23 Q In other words, can he not go to the left
24 of the right-hand edge of the goal, either above it

1 or below it or in line with it?

2 A He can go up to the edge, Mr. Anderson,
3 but he cannot enter the goal area, the rectangular
4 goal area with his paddle.

5 Q And if he has his paddle below the goal
6 area, can he move his paddle to the left so that it's
7 under the goal area all the way to the left edge of
8 the screen?

9 A Yes, sir.

10 Q And that would be above the goal area also?

11 A Yes, sir.

12 Q Can the right-hand player move his paddle
13 into his own goal on the left-hand side?

14 A I don't recall. I believe he can.

15 Q If the ball is hit by, say, the left-hand
16 player's paddle, I take it the ball moves off to the
17 right?

18 A If he directs it in that direction. He can
19 get behind the ball and move it towards his own goal.

20 Q Oh, he can?

21 A Yes, sir -- which, of course, should be
22 avoided.

23 Q When he strikes the ball with his paddle --
24 this is the left-hand player -- strikes the ball with

1 his paddle so the ball moves off to the right, if the
2 ball strikes the left-hand player's goal which is
3 disposed on the right edge of the field, what happens?

4 A Well, let me clarify one point, Mr. Anderson.
5 The ball entering what we call the goal zone, or what
6 you refer to as the rectangle, does not score until it
7 actually goes through the goal area, and scores only
8 as it passes the left or right lines on the TV image.

9 Q I see. So the ball actually must cross two
10 lines to score a goal?

11 A The scoring is actually done on the second
12 line.

13 Q On the second line?

14 A Yes, sir.

15 Q Is the right-hand player then still able to--

16 A Clear the zone.

17 Q -- clear the zone by entering the zone?

18 A Yes, sir.

19 Q The player can actually enter the rectangular
20 zone?

21 A His own zone, not the opponent's zone.

22 Q And hit it back?

23 A Displace it or get it out of that area and,
24 of course, start directing the ball at the opponent's

1 goal.

2 Q If a player strikes the ball and misses the
3 goal but the ball continues on to hit either the top
4 or the bottom border line or the end border line other
5 than the goal area, what happens to the ball?

6 A I'm afraid I don't follow you. You want to
7 restate that?

8 Q Yes. If a player hits the ball and it misses
9 the goal but hits some other portion of the border of
10 the field, what happens?

11 A I imagine you are talking about the right-
12 hand line above and below the goal area?

13 Q Yes, or the top line or the bottom line over
14 the entire length of the field.

15 A The ball does not, as I recall, leave the
16 playing area.

17 Q It bounces?

18 A No, it does not necessarily bounce. It's
19 up to the opponent to get his paddle there and again
20 direct it away from that area.

21 Q Well, if the ball hits, say, the bottom line
22 of the field, does it leave, bounce or just sit there?

23 A I honestly can't recall.

24 MR. WAYNE KOCI: All three. It can do any one

1 or a combination.

2 THE WITNESS: Wayne would know. He has been
3 testing these games; I haven't.

4 MR. ANDERSON: Let's drop that right there and
5 wait for Wayne.

6 THE WITNESS: Thank you very much.

7 (A short recess was had.)

8 By Mr. Anderson:

9 Q Mr. Koci, while CDI was making TV Goalee,
10 were they making any other video games?

11 A No, sir.

12 Q Prior to April of 1974, what other video
13 game was CDI last making?

14 A Oh, let's see. At that time, or prior to
15 TV Goalee, we made Olympic TV Hockey. And I might add
16 that same game for the European market was renamed
17 Olympic TV Soccer.

18 Q Over what period of time did CDI make
19 Olympic TV Hockey and Soccer?

20 A Production began on November 28, 1973 and
21 terminated on January 18, 1974.

22 MR. ANDERSON: Mr. Threedy has handed me
23 literature and papers on TV Hockey which I will ask
24 the reporter to mark as Jerry Koci Deposition Exhibit

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1 10, a document entitled "Olympic TV Hockey" in color;
2 as Exhibit 11, a booklet entitled "Olympic TV
3 Hockey, Olympic TV Football Parts Catalog"; as
4 Exhibit 12, a circuit diagram entitled "Olympic TV
5 Hockey, Olympic TV Football"; and as Exhibit 13, a
6 collection of pages entitled "429 Olympic TV Hockey,"
7 Pages A1 and 1 through 13.

8 (The documents above referred to were
9 marked Jerry Koci Deposition
10 Exhibit Nos. 10, 11, 12 and 13,
11 respectively, for identification.)

12 By Mr. Anderson:

13 Q Mr. Koci, do you wish to say something?

14 A Yes. I mentioned earlier that on Olympic
15 TV Hockey, the other name for the European market was
16 indicated as being called Olympic TV Soccer, which is
17 in error, since in Europe they don't refer to the
18 name "soccer" as we do in the States, but simply called
19 the game "football." The game actually was called
20 Olympic TV Football.

21 Q Mr. Koci, was the TV Goalee game developed
22 at Chicago Dynamic?

23 A No, sir.

24 Q Who developed TV Goalee?

MR. THREEDY: If you know.

1 THE WITNESS: I don't know.

2 By Mr. Anderson:

3 Q How did it first come to your attention?

4 A Honestly, I don't recall. Apparently a
5 competitor must have had a game something like it and
6 we borrowed from it, as I recall.

7 Q What was your involvement with the design,
8 development or production of TV Goalee?

9 A I managed the engineering and production.

10 Q Who was responsible other than you for the
11 design, development or production of the game TV
12 Goalee at Chicago Dynamic?

13 A I solely was responsible.

14 Q For the design, development and production?

15 A Whatever design we picked up from somewhere,
16 I don't recall.

17 Q Who made the decision to manufacture TV
18 Goalee at Chicago Dynamic?

19 A Usually, Mr. Gensburg and Avron Gensburg.

20 Q Well, was the usual practice followed in
21 this case, do you know? Did either Mr. Gensburg or
22 Avron Gensburg make the decision to manufacture TV
23 Goalee?

24 A Since we made the game, manufactured the

1 game, I assume they did.

2 Q Who was responsible for the bill of materials
3 or parts list, Exhibit 9, for TV Goalee?

4 A Engineering was responsible.

5 Q And who in engineering was responsible?

6 A The drafting department.

7 Q And who in the drafting department?

8 A Mr. Kasovic, Edward.

9 Q Did he report to you?

10 A Yes, sir.

11 Q Did you assign him the task of preparing
12 that parts list?

13 A Yes, sir.

14 Q Did you provide him with something to work
15 from?

16 A Apparently, a sample board.

17 Q Do you have any recollection at all of those
18 events?

19 A No, I don't.

20 Q Do you believe it was a sample board of a
21 competitor?

22 A I believe so.

23 Q What's your best recollection of which
24 competitor it was?

1 A I don't recall.

2 Q I will place before you Exhibits 10 through
3 13, which have been provided to us by Mr. Threedy as
4 relating to Chicago Dynamic's Olympic Hockey.

5 Are those Exhibits 10 through 13 documents
6 prepared and distributed by Chicago Dynamic?

7 A Yes, sir.

8 Q And were they distributed generally in the
9 period of production of TV Hockey, November 28 of
10 '73 through January sometime of '74?

11 A Yes, sir.

12 Q Can you just briefly describe how TV
13 Hockey is played, and perhaps primarily in contrast
14 to the other games that we have already talked about?

15 A Here again, Olympic TV Hockey and Football
16 is a two-player game.

17 Upon inserting a coin, a ball image appears
18 in the center of the screen and starts moving towards
19 one of the opponent's goals. Under the control of
20 the players are three paddles for each player. Moving
21 the control knob to the left moves the three paddles
22 under his control up and down on the vertical screen.

23 Q Were the three paddles that the left-hand
24 player controlled the one in the right-hand goal and

1 the two to the left of the center that were aligned
2 vertically?

3 A No. The left-hand player, as I recall,
4 controlled the three paddles on his side; that is,
5 the two paddles in his zone area and the third paddle
6 which protects his goal.

7 Q Was his object to intercept the hockey puck
8 as it moved?

9 A Yes, sir.

10 Q I notice a vertical line down the center of
11 the TV screen. What function does that perform in
12 the game, if any?

13 A Oh, I imagine it simply depicts a center
14 line on a hockey playing field.

15 Q Does it affect the travel of the ball or
16 the puck?

17 A No, sir.

18 Q I notice there is a horizontal line across
19 the center of the TV screen. What function, if any,
20 does that perform in the play of the game?

21 A None at all, except it did indicate to the
22 player that the two paddles simply moved from the
23 lower portion of the screen up to that horizontal
24 dotted line. The upper paddle, of course, started

1 at that horizontal dotted line and moved upward to the
2 top perimeter of the image.

3 Q Did that horizontal line affect the ball or
4 puck travel at any time?

5 A No, sir.

6 Q I notice there is a line across the top,
7 a line across the bottom, and vertical stubs extending
8 down from the top and up from the bottom at the left
9 and right. Did the ball or puck bounce off of those
10 if it struck them?

11 A Yes, sir.

12 Q If the ball struck in the goal area and the
13 player failed to intercept it, did it pass off the
14 screen?

15 A Yes, it did -- and of course, scored a goal.

16 Q And then where did it reappear?

17 A Towards the center again on the vertical
18 line.

19 Q Moving in what direction?

20 A Opposite to the person who had last scored a
21 point.

22 Q What other TV games did Chicago Dynamic make
23 prior to the ones about which you have already
24 testified?

1 A The game previous to Olympic TV Hockey and
2 Football was called TV Tennis.

3 MR. ANDERSON: Do you have the original literature?

4 MR. THREEDY: Yes.

5 (Document(s) tendered.)

6 By Mr. Anderson:

7 Q Over what period of time was TV Tennis being
8 made and sold by Chicago Dynamic?

9 A Production on TV Tennis started August 18,
10 1973 and terminated on November 29, 1973.

11 MR. ANDERSON: I will have the reporter mark the
12 original documents which Mr. Threedy has just handed
13 to us as follows; as Exhibit 14, a colored brochure
14 entitled "TV Tennis"; as Exhibit 15, a book entitled
15 "TV Tennis Model 427 Parts Catalog"; as Exhibit 16,
16 a circuit diagram entitled "IC Board Schematic, Two-
17 or Four-Player TV Tennis"; and as Exhibit 17, a
18 collection of blueprints entitled "427, Two- or Four-
19 Player TV Tennis," and comprising Pages A1, A3, 1,
20 1A and 2 through 12.

21 (The documents above referred to were
22 marked Jerry Koci Deposition Exhibit
23 Nos. 14, 15, 16 and 17, respectively,
24 for identification.)

1 By Mr. Anderson:

2 Q Mr. Koci, you testified that the TV Goalee
3 game was taken from a competitor.

4 Did you have any outside consultant or
5 assistance with the design and development and
6 production of the TV Goalee game?

7 A I don't recall.

8 Q With respect to TV Hockey, who designed or
9 developed Chicago Dynamic's Olympic TV Hockey game?

10 A There again, I'm afraid it's a borrowed
11 game. From whom, I have no recollection.

12 Q What was your involvement in the design or
13 the development or the production of Olympic TV
14 Hockey?

15 A Again, I managed the production and
16 engineering.

17 Q How did the product first come to your
18 attention?

19 A We make it a practice of keeping pretty
20 well informed as to what competition is doing. As
21 soon as we hear of a game at our distributor's office
22 that is put out by a competitor, I usually make it
23 a point or assign somebody to make it a point to
24 review the game.

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1 If it looks interesting enough, we do get
2 a sample and look it over and proceed from there.

3 Q Is that what happened with respect to TV
4 Hockey?

5 A To my recollection, that is what happened.

6 Q Do you know what competitor's game it was
7 from which you borrowed?

8 A Could have been one of the West Coast out-
9 fits or Allied down in Hialeah, Florida.

10 Q Has any competitor or other person or
11 company charged Chicago Dynamic with improperly
12 copying or borrowing from any of their games?

13 A Are you referring to what you call video
14 games?

15 Q Only video games.

16 A No, sir.

17 Q Was any outside consultant or other
18 organization utilized in the design, development or
19 production of Olympic TV Hockey?

20 A Not to my recollection.

21 Q Were the logic boards for TV Hockey or TV
22 Goalee made by any outside concern, or were they made
23 strictly internally?

24 A Again, to my recollection, they were made

1 internally.

2 Q I will place before you the documents which
3 the reporter has marked Jerry Koci Exhibits 14 through
4 17, and ask you if they are documents prepared and
5 distributed in the ordinary course of the business
6 of Chicago Dynamic?

7 (Witness examining documents.)

8 THE WITNESS: Yes, sir.

9 By Mr. Anderson:

10 Q Were they prepared and distributed generally
11 in the period when TV Tennis was in production in
12 August to November of '73?

13 A Yes, sir.

14 Q Can you just very briefly describe how TV
15 Tennis is played and what the players see?

16 A TV Tennis was an evolution of the original
17 Pong game, with the exception, instead of having two
18 paddles, it is noted that there are four paddles on
19 the TV screen.

20 Two players could play the game, or four.

21 Q If two players played, did the two paddles
22 on the left move in accordance with one of the controls
23 on the left?

24 A As I recall, if two people played, the left-

1 hand player controlled one paddle. The second paddle
2 on his side did not appear. And the right-hand
3 player controlled the right-hand paddle.

4 Upon inserting a second coin, in order to
5 justify a four-player game, then the two additional
6 inside paddles appeared.

7 Q Did the participant control only up and down
8 movement of the paddle?

9 A Yes, sir.

10 Q And was he attempting to intercept the ball
11 in its travel?

12 A Yes, sir.

13 Q And when that happened, did the ball bounce
14 off of the paddle?

15 A Yes, sir.

16 Q Did the ball bounce off the lines which
17 show on the top and bottom of Exhibit 14?

18 A Yes, sir.

19 Q Did the balls bounce off of the left and
20 right edges of the TV screen under any conditions?

21 A No, sir.

22 Q Not in play or when the machine was idle?

23 A I don't recall if we had a loose ball
24 floating around, if the game was idle.

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1 Q What was the origin of the design for
2 Chicago Dynamic's TV Tennis game? Was it internally
3 designed?

4 A To my recollection, it was. It was simply
5 adding two more paddles for the third and fourth
6 player and two more controls which the third and fourth
7 player operated.

8 Q Adding them to a game that you already had
9 in the line?

10 A Pong, the original Ping Pong game.

11 Q Did you have Pong in production at Chicago
12 Dynamic?

13 A We called it Ping Pong.

14 MR. ANDERSON: May I have the Ping Pong
15 literature, Mr. Threedy?

16 MR. THREEDY: Sure.

17 MR. ANDERSON: I will ask the reporter to mark
18 as Jerry Koci Deposition Exhibit 18 a photograph of
19 a machine bearing the label "TV Ping Pong"; as
20 Exhibit 19, a booklet entitled "TV Ping Pong Model 424
21 Parts Catalog"; as Exhibit 20, a circuit diagram
22 entitled "IC Board Schematic TV Ping Pong"; and as
23 Exhibit 21, a set of pages entitled "424 TV Ping
24 Pong," Pages A1, A3, 1, 2, 2A and 3 through 5.

1 (The documents above referred to were
2 marked Jerry Koci Deposition Exhibit
3 Nos. 18, 19, 20 and 21, respectively,
4 for identification.)

5 MR. ANDERSON: And please mark as Exhibit 22 a
6 Xerox copy of a brochure entitled "TV Ping Pong."

7 And Mr. Threedy, I would like to substitute
8 an original printed copy, if you can find one.

9 MR. THREEDY: Fine.

10 (The document above referred to was
11 marked Jerry Koci Deposition Exhibit
12 No. 22 for identification.)

13 By Mr. Anderson:

14 Q Mr. Koci, I will hand you Exhibits 18 through
15 22 and ask you if they are documents prepared and
16 distributed by Chicago Dynamic in the regular course
17 of its business?

18 (Witness examining documents.)

19 THE WITNESS: Yes, sir, they are.

20 By Mr. Anderson:

21 Q And do they relate to the TV Ping Pong game
22 which was made and sold by Chicago Dynamic?

23 A Yes, sir.

24 Q Over what period of time was Chicago Dynamic
in production on TV Ping Pong?

A Production began on April 5, 1973, terminated

1 on August 12, 1973.

2 Q Do these documents relate to the Ping Pong
3 game that you said was the starting point for arriving
4 at the TV Tennis game?

5 A Yes, sir.

6 Q Does the TV Ping Pong game involve only two
7 players?

8 A Yes, sir.

9 Q Are there any other differences between
10 Chicago Dynamic's TV Ping Pong and Chicago Dynamic's
11 TV Tennis games with respect to the manner in which
12 it's played and what the players see?

13 A The only exception being that TV Ping Pong
14 is a two-player game and TV Tennis, a two- or four-
15 player game.

16 Q Who developed the revisions to convert or
17 modify TV Ping Pong to become TV Tennis, in Chicago
18 Dynamic?

19 A Engineers at our plant.

20 Q Who specifically?

21 A Glenn Johnson and Wayne Koci.

22 Q Is Glenn Johnson still with you?

23 A Yes.

24 Q I notice there are horizontal lines at the

1 top and the bottom of TV Tennis which don't appear on
2 the brochure for Chicago Dynamic's TV Ping Pong.

3 Is that another difference between the two
4 games?

5 A Yes, sir, that is the difference.

6 Q Were there no horizontal lines in TV Ping
7 Pong?

8 A Not to my knowledge. Don't appear to be
9 indicated on the photograph.

10 Q You testified that in TV Tennis, when the
11 ball struck the upper or lower white lines, the ball
12 bounced back into the court. What happens in TV
13 Ping Pong?

14 A I would assume the same thing happened, but
15 I fail to see any horizontal lines on TV Ping Pong.

16 Q Did the ball bounce off of the edge of the
17 screen, do you know?

18 MR. THREEDY: If you know.

19 THE WITNESS: I don't recall.

20 By Mr. Anderson:

21 Q Did someone at Chicago Dynamic develop the
22 game TV Ping Pong?

23 A No, sir.

24 Q Was that borrowed, as you use the term?

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1 A That's the right expression.

2 Q And from whom was that borrowed?

3 A Atari.

4 Q Was it borrowed subject to any arrangement
5 or agreement of any kind?

6 A No, sir.

7 Q Does Chicago Dynamic have any arrangement
8 or agreement with anyone for the manufacture,
9 design or development of video games, other than the
10 ones you have already told us about in the course of
11 the morning?

12 A No, sir.

13 Q Does Chicago Dynamic employ or retain or
14 utilize any consultants for the design, development
15 or manufacture of video games?

16 A We have in the past used Exidy, and we have
17 consulted with Illinois Research on some problems.

18 Q What's the full name of that company?
19 Is that Universal Research?

20 A Illinois Tech.

21 Q The university or college?

22 A Yes, the research division.

23 Q Has Illinois Research Division of Illinois
24 Institute of Technology actually designed a game for

1 you?

2 A No, sir. They were called in on specific
3 static problems.

4 Q Anyone else that Chicago Dynamic has used
5 as a consultant, designer, developer of video games?

6 A We have not used as a consultant, but we
7 did acquire a game made in Australia.

8 Q What game is that?

9 A Well, it's Goalee, TV Goalee.

10 Q I think I asked you about TV Goalee before
11 and what the origin of that was.

12 A Are you sure it was Goalee? You weren't
13 referring to Tennis?

14 Q Well, early I thought I had, but that's not
15 important.

16 A If it was Goalee, then, Mr. Anderson, that
17 came from Australia.

18 Q Let's pursue that a little further.

19 A Okay.

20 Q What's the name of the source of that TV
21 Goalee design in Australia?

22 A I can't recall the name. It's our dis-
23 tributor called Leisure-something Enterprises.

24 Q Would you provide us with the accurate name

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1 of that company and perhaps its address in Australia?

2 A Yes. They are located in Perth.

3 MR. THREEDY: I think it's Leisure Time.

4 THE WITNESS: Leisure Time or Leisure Enterprises?

5 MR. THREEDY: Leisure Time Enterprises.

6 THE WITNESS: Well, we will confirm it,

7 Mr. Anderson.

8 By Mr. Anderson:

9 Q How did TV Goalee first come to the attention
10 of Chicago Dynamic?

11 A Mr. Steinberg, who is president of Leisure
12 in Perth, Australia, had written us about the game
13 and sent in a prototype at our direction.

14 Q Does the game have the same name in
15 Australia, do you know, or is it called by a different
16 name?

17 A I don't believe it was ever produced in
18 Australia, to my knowledge.

19 Q Does Leisure manufacture video games?

20 A No, sir.

21 Q Does CDI distribute video games abroad?

22 A Yes, sir.

23 Q Has it distributed all of the games about
24 which I have asked you this morning abroad?

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1 A Yes, sir.

2 Q Are those games all made in the United
3 States for shipment abroad?

4 A Yes, sir.

5 Q Does Chicago Dynamic have any manufacturing
6 facilities for video games outside of the United
7 States?

8 A No, sir.

9 Q Does it have any subsidiaries or affiliates
10 in other countries that manufacture games?

11 A No, sir.

12 Q Do you know if Leisure in Perth, Australia
13 designed the TV Goalee game, or did they acquire it
14 from some other source?

15 A As I understand it, they employed the
16 services of an electronic engineer in Australia, who
17 was responsible for designing the game.

18 Q Was that an individual or a company, do
19 you know?

20 A An individual.

21 Q Do you know his name, by any chance?

22 A No, sir.

23 Q Under what arrangement or agreement did
24 Leisure provide CDI with the design and prototype for

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1 the TV Goalee game?

2 A On a royalty arrangement.

3 Q Is that in a written agreement?

4 A Yes, sir.

5 MR. ANDERSON: May we have a copy of that under
6 a confidential order, Mr. Threedy?

7 MR. THREEDY: Yes.

8 By Mr. Anderson:

9 Q Have there been any other design, consulting
10 or engineering agreements between Chicago Dynamic
11 and anyone else with respect to TV video games?

12 A No, sir.

13 Q When did you first become aware of any TV
14 game?

15 A Originally, information filtered to us on
16 Atari's Pong game, which I suspect was the latter
17 part of '72.

18 Q How did that filter to you?

19 A Through our distributor in Los Angeles.

20 Q Do you know how he became aware of it?

21 A From my understanding, he had been buying
22 some Pong games from Atari.

23 Q How long after you first became aware of
24 Pong was the decision made that Chicago Dynamic should

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1 make a TV game?

2 A Oh, I would say two to three months after we
3 were first made aware of the Pong game.

4 Q Were you involved in the consideration of
5 the manufacture of a TV game?

6 A Yes, sir.

7 Q What was your personal involvement?

8 A The president, Mr. Gensburg, confers with
9 me on all these matters, and I agreed with him and
10 with Mr. Avron Gensburg that perhaps we should get
11 involved in TV games.

12 Q What were the reasons for the decision to
13 manufacture a TV game?

14 A In our industry, Mr. Anderson, any time we
15 hear of any new machine that is enjoying any success
16 and income, we, as a natural course of running our
17 business, are made aware of it, and a decision is
18 made whether or not to get into that area.

19 Q And is that the way in which the TV Ping Pong
20 game was considered?

21 A Yes, sir.

22 Q Do you know of the TV game made and sold by
23 Magnavox called Odyssey?

24 A Yes, sir.

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1 Q Have you ever seen one?

2 A Yes, sir.

3 Q Did Chicago Dynamic have one at their plant?

4 A Yes, sir.

5 Q When did you personally first become aware
6 of Magnavox's Odyssey?

7 A Oh, I believe I have seen it on TV
8 commercials and advertisements.

9 Q And approximately when did you first learn
10 of Odyssey?

11 A I would say sometime in the early part of
12 '73.

13 Q When did you actually first see an Odyssey
14 game?

15 A Again, early part of '73.

16 Q Was that at the plant of Chicago Dynamic?

17 A At the plant.

18 Q How many Odyssey games have you seen?

19 A One.

20 Q How was that Odyssey game acquired, do you
21 know?

22 A I believe Mr. Gensburg instructed somebody
23 to go to a local Magnavox retail outfit somewhere on
24 Milwaukee and bought one without a PO, brought it to

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1 the plant for our review.

2 Q Did you personally review it?

3 A Very vaguely, as did all my men.

4 Q And what men specifically were included?

5 A Oh, Al Schlapa, Mr. Wayne Koci, Mr. Glenn
6 Johnson and others.

7 Q Does Chicago Dynamic still have that
8 Odyssey game?

9 A No, sir.

10 Q What became of it?

11 A I believe our then sales manager desired to
12 purchase it, and we sold it to him.

13 Q What was his name?

14 A Mr. Chuck Arnold.

15 Q And I gather he is no longer with Chicago
16 Dynamic?

17 A He is now with Allied.

18 Q Allied Leisure?

19 A Yes, sir.

20 Q Approximately when was it sold to Chuck
21 Arnold?

22 A I would say a month or so after it was
23 purchased.

24 Q In addition to your vague review of Odyssey,

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1 what was done with the Odyssey game purchased by
2 Chicago Dynamic by the other people who were involved
3 with it, if you know?

4 A Do you want to restate that?

5 MR. ANDERSON: Would you read that back?

6 (The record was read.)

7 THE WITNESS: Not too much of anything. It was
8 in an area that we didn't understand too much about
9 it.

10 We looked at it, played a few games on it.
11 It ended up in my office behind a lounging chair until
12 Chuck had seen it there and desired to buy it.

13 By Mr. Anderson:

14 Q Were any of the people who reviewed it who
15 you mentioned skilled in television design or digital
16 logic at that time?

17 A No, sir.

18 Q Was the Odyssey game purchased in early
19 '73 taken apart at all, do you know?

20 A I think the cover was removed, and we
21 noticed three or four modules that apparently gave
22 you different games. They were plugged in, and we
23 played a number of games of the various types. That
24 was the extent of our examination.

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1 Q Was any effort made to trace the circuit
2 at all?

3 A No, sir. Wouldn't know where to begin.

4 Q Was any list of parts made or --

5 A Never.

6 Q Was any work done to investigate the theory
7 of operation?

8 A Not on that game, no, sir.

9 We learned more from Atari's Pong game than
10 any one area, what little we learned.

11 Q When did Atari's Pong game first come into
12 your actual possession?

13 MR. THREEDY: I think he has already answered
14 that, Mr. Anderson.

15 MR. ANDERSON: He said he learned of it, he
16 thought, sometime in late '72 from an Allied dis-
17 tributor.

18 THE WITNESS: Right.

19 MR. THREEDY: I'm sorry.

20 THE WITNESS: It wasn't too late afterwards that
21 we did request our Allied distributor to send us a
22 game, so I think that would put us around January of
23 '73, perhaps February.

24

1 By Mr. Anderson:

2 Q Was that Pong game acquired on a purchase
3 order?

4 A I believe it was sent without a purchase
5 order, but certainly, we covered it with a PO later on.

6 Q I would like to find out when that Pong
7 was actually acquired. Would you please make a
8 search to see what documents exist on the acquisition
9 of that first Pong, letters or invoices or anything,
10 and give them to Mr. Threedy?

11 A There are no letters, but I certainly will
12 look.

13 MR. ANDERSON: All right. Thank you.

14 Mr. Threedy, I think, subject to re-call
15 after we see the agreements if there are any problems
16 or areas of inquiry, I think we can now terminate
17 Mr. Jerry Koci's deposition and resume about 1:30
18 with Mr. Wayne Koci, if that's all right.

19 MR. THREEDY: Fine. I have one question that I
20 would like to put to him, if I may, notwithstanding
21 the continuation of possibly his deposition, on cross-
22 examination.

23 MR. ANDERSON: Sure.

24

EXAMINATION

By Mr. Threedy:

Q Mr. Koci, do you recall what was the purchase price of the Odyssey game that CDI bought?

A No, I don't.

Let me modify that. I think at that time they were selling for \$99.75, and that could very well have been the price.

MR. THREEDY: Thank you.

MR. ANDERSON: Mr. Threedy, I would suggest that we follow the past practice and have each witness who testifies read his deposition and actually sign it before any notary public, without necessarily signing it before this reporter.

MR. THREEDY: Fine. That's agreeable.


Jerry C. Koci

SUBSCRIBED AND SWORN TO
before me this 24th day
of November, A.D., 1975.


Notary Public.

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:

3 I, Diane E. Norris, a notary public in and
4 for the County of Cook and State of Illinois, do
5 hereby certify that JERRY C. KOCI was by me first duly
6 sworn to testify the whole truth and that the above
7 deposition, signed by him, was recorded stenograph-
8 ically by me, and was reduced to typewriting under my
9 control and supervision.

10 I further certify that the said deposition
11 was examined and read over by the said deponent and
12 was signed by him in the presence of a notary public,
13 and that the said deposition constitutes a true
14 record of the testimony given by said witness.

15 I further certify that the said deposition
16 was taken at the time and place specified herein, and
17 that the taking of said deposition commenced on the
18 28th day of May, A.D., 1975.

19 I further certify that Mr. Theodore W.
20 Anderson and Mr. James Williams, of the firm of
21 Neuman, Williams, Anderson & Olson, of 77 West
22 Washington Street, Chicago, Illinois, and Mr. William
23 Streeter, Corporate Patent Counsel of The Magnavox
24

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1 Company, Fort Wayne, Indiana, appeared on behalf of
2 the Plaintiffs; and Mr. Donald L. Welsh, of the firm
3 of Fitch, Even, Tabin & Luedeka, of 135 South LaSalle
4 Street, Chicago, Illinois, appeared on behalf of
5 Defendants Bally Manufacturing Corporation, Empire
6 Distributing, Inc., and Midway Manufacturing Co.;
7 and Mr. Edward C. Threedy, of the firm of Threedy &
8 Threedy, of 111 West Washington Street, Chicago,
9 Illinois, appeared on behalf of Defendant Chicago
10 Dynamic Industries, Inc.; and Mr. Melvin M. Goldenberg,
11 of the firm of McDougall, Hersh & Scott, of 135 South
12 LaSalle Street, Chicago, Illinois, appeared on behalf
13 of Defendants Seeburg Industries, Inc., The Seeburg
14 Corporation of Delaware, Williams Electronics, Inc.,
15 and World Wide Distributors, Inc. Also present was
16 Mr. Wayne Koci.

17 I further certify that I am not a relative
18 or employee or attorney or counsel of any of the
19 parties, or a relative or employee of such attorney or
20 counsel, or financially interested directly or
21 indirectly in this action.
22
23
24

1 In witness whereof, I have hereunto set
2 my hand and affixed my seal of office at Chicago,
3 Illinois, this 17th day of December, A.D., 1975

4
5 Diane E. Norris
6 Notary Public, Cook County, Illinois.

7 My Commission expires December 21, 1975.
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